

REMARKS UNDER 37 CFR § 1.111

Formal Matters

Claims 1-14 are pending after entry of the amendments set forth herein.

Claims 1-9 were examined. Claims 10-14 were withdrawn. Claims 1-9 were rejected.

Applicant respectfully requests reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

The Office Action

In the Official Action of February 26, 2007, the Examiner required affirmation of the election of Group I, claims 1-9. Applicant hereby confirms election of Group I, claims 1-9.

Claims 1-9 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Baumbach, U.S. Patent No. 2,591,331 in view of Ernst, GB 1,290,401. The Examiner asserted that Baumbach discloses a device for cleaning feet in the shower (Fig. 4) that includes a base portion 36 with a pair of side walls 33 extending upwardly therefrom. The Examiner further asserted that a first scrubbing means in the form of bristles 31 is mounted on inner wall surfaces of the side walls and that second scrubbing means in the form of bristles 31 is mounted on an upper surface of the base portion and extends between the first scrubbing means. The Examiner asserted that suction cups 40 extend from a bottom surface of the base portion.

The Examiner admitted that Baumbach fails to disclose a bar of soap provided on a material support that is biased with respect to the base portion to a height to make contact with a user's foot.

The Examiner asserted that Ernst discloses a cleaning device (Fig. 2) for use in showers that includes scrubbing bristles 2 extending from a base portion 1 and a bar of soap 19 supported on a material support 12 that is biased by helical springs 15 to extend to a height from the base portion higher than the bristles. The Examiner asserted that it would have been obvious to provide the device of Baumbach with a cleansing material support with bar soap thereon biased from the base of the device to extend from the base higher than the bristles, as suggested by Ernst, to eliminate separate manipulation of soap with the foot to be cleaned.

Applicant respectfully traverses. It is respectfully submitted that neither Baumbach nor Ernst suggests placement of a bar of soap within the base of the foot brush of Baumbach. It is further

respectfully submitted that it would not have been obvious to modify the device of Baumbach in the manner suggested by the Examiner, because it would be ineffective for applying soap to the heel region of the user as well as to the ends and tops of the toes. Accordingly, the user would need to manually apply soap to the tops of the toes and at least to the back of the heel and lower ankle region extending from the heel, as these would be virtually impossible to rub over a bar of soap in the base of the device, yet Baumbach provides bristles for scrubbing these portions of the foot.

Further, Applicant has amended claim 1 above to more clearly distinguish over the cited references. Claim 1 has been amended to recite open end portions extending between ends of said side wall portions. Support for this amendment can be found, for example, in Figs. 1-4. It is respectfully submitted that it would not have been obvious to modify the device of Baumbach to remove the toe and heel portions, since Baumbach discloses these features as novel (column 1, line 55 – column 2, line 3) and which are provided so that a toe pocket containing bristles is presented toward the bottoms, tip and upper surfaces of the toes, while an upwardly extended heel-cleansing area is provided with a number of bristles presented toward the heel region of the foot. Accordingly, it is respectfully submitted that it would not have been obvious to provide the Baumbach device with open forward and rearward ends, as this would destroy the beneficial aspects of the toe box and heel scrubbing portion that are described by Baumbach as novel and important.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-9 under 35 U.S.C. Section 103(a) as being unpatentable over Baumbach, U.S. Patent No. 2,591,331 in view of Ernst, GB 1,290,401, as being inappropriate.

Conclusion

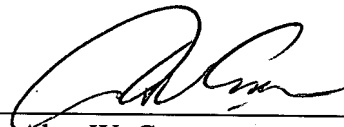
Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-2653, order number RYAN-001.

Respectfully submitted,

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